

STATE OCCUPATIONAL THERAPY LICENSURE BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 3/9/2018

BOARD MEMBERS PRESENT: Kristin Guidry - Chair
Jori A Bathina
Brenda P Krueger
Farrell Lindley-Kessler
Cherie Strand

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Admin. Support Manager
Marcie Rightnowar, Appeals/Hearings Coordinator
Maurie Ellsworth, General Counsel
Debbie Toncray, Technical Records Specialist II

OTHERS PRESENT: Mel Henderson, President, Idaho
Occupational Therapy Association
Kim Hendrickson, Chair, Idaho
Occupational Therapy Association
Kari Thompson, President-Elect, Idaho
Occupational Therapy Association

OTHERS VIA TELEPHONE: Bryan Gee, Idaho State University

The meeting was called to order at 8:00 AM MST by Kristin Guidry.

APPROVAL OF MINUTES

Ms. Strand made a motion to approve the minutes of 12/1/2017 and 12/13/2017.
It was seconded by Ms. Bathina. Motion carried.

LEGISLATIVE REPORT AND INTERIM COMMITTEE UPDATE

Mr. Ellsworth updated the Board on the status of legislation that may affect the Board. Senate Bill 1316 would allow respondents to recoup costs in cases where they prevail in disciplinary actions brought by the Board. House Bill 623 would create a central office of hearing officers and repeal and replace the Administrative Procedure Act. It would require appointment of hearing officers earlier in disciplinary cases and require that the case be overseen by a hearing officer. It would change evidentiary standards and the way hearing are conducted, making them more formal. It would eliminate the Board's ability to make or revise findings of fact of the hearing officer and expand the ability of a court to take more evidence and potentially even hold a new trial of a case. All of

these changes would increase costs of disciplinary proceedings. Ms. Guidry is currently the Bureau's contact to assist with this and other legislative issues.

Ms. Guidry gave an update on the Board's rules. She said that the fee decrease passed both the House and the Senate. Ms. Guidry said that House Bill 349, which will remove obsolete language and clarify the type of licensure required in occupational therapy, had passed the Senate and House. Ms. Cory said that the rule for the fee decrease would go into effect at the end of the 2018 Legislative Session.

Ms. Cory said the deadline to submit proposed law changes to the Governor's Office is mid-July 2018 and the deadline to submit proposed rule changes to the Governor's Office is mid-August 2018 for the 2019 Legislative Session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$162,905.68 as of 2/28/2018.

INVESTIGATIVE REPORT

Ms. Rightnowar gave the investigative report, which is linked above.

BOARD TRAINING – OPEN MEETING LAWS

Mr. Ellsworth reviewed the open meeting laws with the Board.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

EXECUTIVE ORDER

Ms. Eavenson reviewed a draft of the report with the Board.

Ms. Bathina left the meeting at 9:24 AM MST.

Ms. Eavenson said she will be working with Ms. Guidry on the overall Executive Order Summary Report. The Board agreed that Ms. Lindley-Kessler will work with Ms. Eavenson, the Idaho Occupational Therapy Association, and Mr. Gee with Idaho State University on Section E, Assessment of Public Interest, and that Ms. Lindley-Kessler will send all comments to Ms. Toncray. A final draft will come before the Board on April 25, 2018.

SUBCOMMITTEE REPORTS

Ms. Callahan distributed the proposed language for the continuing education rules. Ms. Strand reviewed the proposal with the Board.

NEW BUSINESS

DISCUSSION: NATIONAL EXAM/NATIONAL BOARD FOR CERTIFICATION IN OCCUPATIONAL THERAPY (NBCOT) LIMITS AND TRAINING

Mr. Gee with Idaho State University (ISU) joined the meeting via phone. Ms. Guidry asked him to provide information about the NBCOT exam requirements and how they pertain to licensing because of a recent issue with a limited permit. Mr. Gee said that the ISU program has a high success rate and has only had one candidate who did not pass the NBCOT exam the first time. He said that NBCOT is required to provide reasonable accommodations through the ProMetric testing sites. Mr. Gee said that NBCOT requires that a candidate must sit for the exam within a maximum of five years after graduating. He said that unless a candidate has a disclosed disability which would require reasonable accommodations, the Board would not be able to assist the person in passing the NBCOT exam. He said the Board could contact NBCOT and ask them about pass rates for candidates taking the NBCOT exam a second time. The Board thanked Mr. Gee for his time and input.

OLD BUSINESS

SUBCOMMITTEE REPORTS, CONTINUED

Ms. Strand continued her review of the proposed language for the continuing education rules. She said that she and Ms. Krueger agreed that a change should be made to the timing for completion of continuing education from twenty (20) hours every two years to ten (10) hours on an annual basis. They will continue to look at the rules. The Board also discussed reinstatement and the hours of continuing education required for different time periods that a license has been lapsed. The subcommittee will review inactive licensure and the number of years a licensee is allowed to hold an inactive license while not practicing. No action was taken.

The Board agreed that it needed to review the number of times a candidate will be allowed to take the NBCOT exam when he/she holds a limited permit. Ms. Lindley-Kessler made a motion to appoint Ms. Bathina and Ms. Strand to work with Ms. Callahan to obtain further information about the NBCOT exam and draft proposed language for the limited permit rules. It was seconded by Ms. Strand. Motion carried.

The Board discussed offering an extension for completion of continuing education after a random audit, and the Board would specify a limited time period for the licensee to obtain the required continuing education. Ms. Strand said that the completion of the NBCOT Navigator Tool assessments by a licensee could be used for all ten (10) hours of annually required continuing education.

The subcommittee will have a draft of proposed language for the next meeting.

Ms. Guidry and Ms. Lindley-Kessler said the proposed language for the rules for supervision and telehealth are still in process.

NEW BUSINESS

DISCUSSION: APPLICANTS WITH BACKGROUND (FELONIES, ETC.)

Ms. Guidry said this is also related to the “presumptive denial policy” recently sent to the Board by NBCOT. The Board reviewed the information provided which included the rules regarding felonies for the Idaho Contractors Board and the Idaho Real Estate Commission. Ms. Strand nominated Ms. Guidry to work with Ms. Callahan on changing the current language regarding evaluation of criminal convictions and disciplinary actions. It was seconded by Ms. Lindley Kessler. Motion carried.

EXECUTIVE SESSION

Ms. Strand made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Lindley-Kessler. The vote was: Ms. Guidry, aye; Ms. Krueger, aye; Ms. Lindley-Kessler, aye; and Ms. Strand, aye. Motion carried.

Ms. Lindley-Kessler made a motion to come out of executive session. It was seconded by Ms. Strand. The vote was: Ms. Guidry, aye; Ms. Krueger, aye; Ms. Lindley-Kessler, aye; and Ms. Strand, aye. Motion carried.

APPLICATIONS

Ms. Strand made a motion to table the following application and ask the applicant to submit further information:

Applicant ID 901157289

It was seconded by Ms. Lindley-Kessler. Motion carried.

NOTICE TO LICENSEES – 2018 LAWS AND RULES

The Board reviewed the notice to licensees regarding the law which removes obsolete language and clarifies the type of licensure required in occupational therapy, and the rule for the fee decrease. Ms. Lindley-Kessler made a motion to approve and send the postcard at the end of the 2018 Legislative Session when the rules go into effect. It was seconded by Ms. Krueger. Motion carried.

REVIEW REVISED APPLICATIONS

The Board reviewed the revised applications for licensure, permits and continuing education. Ms. Lindley-Kessler made a motion to approve the proposed changes and post the applications at the end of the 2018 Legislative Session. It was seconded by Ms. Krueger. Motion carried.

DISCUSSION: CONTINUING EDUCATION REQUIRED FOR REINSTATEMENT

The Board reviewed this issue in the Subcommittee Reports.

CORRESPONDENCE

The Board reviewed the correspondence and no action was taken.

CE COURSES

The Board reviewed the continuing education courses.

NEXT MEETINGS were scheduled for April 25, 2018 at 12:00 PM MDT and May 21, 2018 at 8:00 AM MDT.

ADJOURNMENT

Ms. Krueger made a motion to adjourn the meeting at 2:00 PM MST. It was seconded by Ms. Lindley-Kessler. Motion carried.

Kristin Guidry, Chair

Cherie Strand

Jori A Bathina

Brenda P Krueger

Farrell Lindley-Kessler

Tana Cory, Bureau Chief